

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:
LUIS F RODRIGUEZ JAIME

CASE NO. 10-00860-SEK

CHAPTER 13

DEBTOR (S)

**TRUSTEE'S UNFAVORABLE REPORT
ON PROPOSED PLAN CONFIRMATION UNDER §1325**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.**

Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$0**

R2016 STM. \$3,000.00

TOTAL ATTORNEYS FEES THRU PLAN: \$2,500.00 Fees paid: \$0.00 Fees Outstanding: \$2,500.00
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With respect to the proposed (amended) Plan dated: **April 27, 2010** (Dkt 27).

Plan Base: **30,660.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Insufficiently Funded to pay what it proposes (or needs) to pay [§1325(a)(6)]

Plan is insufficiently funded to pay what it proposes, even without considering the outcome of Debtor's Objection to CRIM's secured claim. The minimum required base to pay what it proposes with CRIM's claim is \$34,100, and \$32,600 without CRIM's secured claim. The reason for the insufficiency is that secured claims by Scotiabank, Reliable Financial Services and Banco Popular were all filed for amounts higher than the Amended Plan contemplates.

- Feasibility [§1325(a)(5)]: Plan fails to provide for an allowed secured claim.

Plan fails to provide for CRIM's Secured Claim No. 3-2. Although Debtor objected to such claim, plan feasibility remains subject to the Court's determination on said Objection.

- Feasibility: Default in Post Petition DSO payments. [§1325(a)(8)]

Debtor has failed to provide evidence of being up to date with post-petition DSO payments.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this July 20, 2010.

/s/ Jose R. Carrion

/s/ Carlos Alsina -Staff Attorney

JOSE R. CARRION
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